

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

GINA PRIANO-KEYSER, on behalf of  
herself and all others similarly situated,

Plaintiff,

vs.

APPLE, INC.,

Defendant.

Case No. 2:19-cv-09162

**STIPULATION AND ~~PROPOSED~~ ORDER MODIFYING  
TIME TO SUBMIT AMENDED JOINT CASE MANAGEMENT STATEMENT**

WHEREAS, on April 1, 2019, Plaintiff Gina Priano-Keyser (“Priano-Keyser” or “Plaintiff”) filed a complaint (“Complaint”) against Apple, Inc. (“Defendant” or “Apple”) in the United States District Court for the District of New Jersey, alleging violations of the New Jersey Consumer Fraud Act, breach of express warranty, and breach of the implied warranty of merchantability (the “Action”).

WHEREAS, Apple was served with the Complaint on April 10, 2019;

WHEREAS, Apple has received one extension of time to respond to the Complaint;

WHEREAS, Apple filed a Motion to Dismiss the Complaint on May 17, 2019;

WHEREAS, this Court stayed discovery pending the resolution of Apple’s Motion to Dismiss on September 26, 2019 (*See* ECF No. 20);

WHEREAS, this Court’s September 26, 2019 Order required the parties to submit an updated discovery plan within 5 days after entry of an order on Apple’s Motion to Dismiss;

WHEREAS, on December 30, 2019, this Court entered an opinion and order (ECF Nos. 24, 25) granting in part Defendant's May 17, 2019 Motion to Dismiss;

WHEREAS, the Court amended its order on December 31, 2019, granting Plaintiff 45 days to file any motion to amend the complaint (ECF No. 26);

WHEREAS, the current date for the parties to submit an updated joint discovery plan is January 6, 2020;

WHEREAS, the current deadline for Apple to answer or otherwise respond to the Complaint is January 13, 2020;

WHEREAS, Plaintiff is still evaluating whether to file a motion to amend her Complaint and Apple believes it would be inefficient to answer the Complaint piecemeal before a ruling on any motion to amend;

WHEREAS, the parties are engaged in productive discussions regarding the management of this case;

and

WHEREAS, the parties seek additional time to continue those discussions;


IT IS HEREBY STIPULATED AND AGREED, subject to approval by the Court, by and between the parties, by and through their undersigned counsel, that:

1. Upon entry of this Order, the parties shall submit an updated joint discovery plan by January 10, 2020.
2. On or before January 20, 2020, Plaintiff shall inform Apple whether she intends on filing a motion to amend her Complaint.
3. If Plaintiff does not intend on filing a motion to amend her Complaint, Apple shall answer the Complaint by February 12, 2020.

4. If Plaintiff intends on filing a motion to amend her Complaint, the parties shall meet and confer regarding the deadline for Apple's answer within three days after a ruling on Plaintiff's motion to amend.

**IT IS SO ORDERED.**

DATE: 1/7/2020

  
~~U.S.D.J.~~, Hon. Kevin McNulty, U.S.D.J.

Dated: January 6, 2020

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

SHEPHERD, FINKELMAN, MILLER &  
SHAH, LLP

By: /s/ Diane P. Sullivan  
DIANE P. SULLIVAN

/s/ James C. Shah  
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